



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

JDG/JMK  
F.#2011R01816

271 Cadman Plaza East  
Brooklyn, New York 11201

December 30, 2011

By Federal Express

Zoe J. Dolan, Esq.  
100 Vesey Street - Suite 100  
New York, New York 10007

Re: United States v. Semyon Bumagin  
Criminal Docket No. 11-800 (WHK)

Dear Ms. Dolan:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, please find enclosed discovery in the above-referenced matter. Please also consider this letter to be the government's request for reciprocal discovery.

A. The Government's Disclosures

1. Statements of the Defendant

Enclosed are copies of the following documents, which contain statements of the defendant:

<b>Exhibit</b>	<b>Description</b>
1	Federal Bureau of Investigation ("FBI") report regarding the defendant's arrest on November 2, 2011
2	Arrest log completed in connection with the defendant's arrest
3	New York Downtown Hospital Discharge Instructions, dated November 3, 2011
4	Copies of materials carried by the defendant on the date of his arrest

Zoe J. Dolan, Esq.  
December 30, 2011  
Page 2

Exhibit	Description
5	United States Marshals Service Prisoner Intake Form completed in connection with the defendant's arrest
6	FBI Advice of Rights and Consent Form, executed by the defendant on November 2, 2011
7	FBI report detailing statements of the defendant on November 2, 2011

2. Draft Transcript Stipulation

In short order, the government will provide you with consensual recordings of the defendant made by a confidential source. The government will also provide you with draft transcriptions of any such recordings it intends to use at trial as soon as such draft transcripts are available, and once the enclosed stipulation regarding draft transcripts is signed and returned to the government. You may fax the signed stipulation to the undersigned at (718) 254-6478.

3. The Defendant's Criminal History

Enclosed is a copy of a criminal history report for the defendant, marked as discovery exhibit number 8.

4. Reports of Examinations and Tests

The government will provide you with any relevant reports of examinations or tests in this case should they become available.

5. Expert Testimony

The government will comply with Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure and Rules 702, 703 and 705 of the Federal Rules of Evidence and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinions and qualifications.

Zoe J. Dolan, Esq.  
December 30, 2011  
Page 3

6. Brady Material

The government is aware of and will comply with its obligation to produce exculpatory material or information within the scope of Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

Before trial, the government will furnish information or material regarding payment, promises, immunity, leniency or preferential treatment, if any, given to prospective government witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may be testifying at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

7. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Rule 404(b) of the Federal Rules of Evidence.

B. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments, including fingerprint analyses, made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to

Zoe J. Dolan, Esq.  
December 30, 2011  
Page 4

avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial or any hearing in this matter.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Rule 12.1(a) of the Federal Rules of Criminal Procedure, the government hereby demands written notice, to be served within ten days of this demand, if the defendant intends to offer a defense of alibi. The written notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense, and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. The offense took place at the location, dates, and times specified in the Complaint and Indictment.

Pursuant to Rule 12.3 of the Federal Rules of Criminal Procedure, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

Zoe J. Dolan, Esq.  
December 30, 2011  
Page 5

Should you have any questions or requests, please do not hesitate to contact us.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

/s/James D. Gatta  
By: /s/Jacquelyn M. Kasulis  
James D. Gatta  
Jacquelyn M. Kasulis  
Assistant U.S. Attorneys  
(718) 254-6356/6103

Enclosures

cc: Clerk of the Court (WHK) (by ECF w/o enclosures)